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Ineke Syteney

Name

Signature

Ineke Syteney

Image
3751

P&G Case 8166M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Gruenbacher, et al. : Examiner: K. J. Prunner
Confirmation No.: 1461 : Group Art Unit: 3751
Serial No.: 10/089,331 :
Filed: March 27, 2002 :

For: APPLICATOR FOR DISTRIBUTING A SUBSTANCE ONTO A TARGET SURFACE

TRANSMITTAL OF FORMAL DRAWINGS

P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith are the formal drawings (26 sheets) for the above-identified patent application.

In response to the Office Action dated February 24, 2004 (copy attached), a copy of the formal drawings, including any fee for extension of time, has been sent to the Examiner in this case.

Please charge any additional required fees to Deposit Account No. 16-2480.

Respectfully submitted,

GRUENBACHER, ET AL.

By

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April 8, 2004

Customer No. 27752



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,331	03/27/2002	Dana Paul Gruenbacher	8166M	1461

27752 7590 02/24/2004

THE PROCTER & GAMBLE COMPANY
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EXAMINER
PRUNNER, KATHLEEN J

ART UNIT	PAPER NUMBER
3751	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Final
4/24/03 (AA)

CENTRAL DOCK	
Any/GBU Contact PDM/tcs	
DATE REC'D	FEB 26 2004
<input type="checkbox"/> FAX	<input checked="" type="checkbox"/> MAIL

Office Action Summary	Application No. 10/089,331	Applicant(s) GRUENBACHER ET AL.	
	Examiner Kathleen J. Prunner	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003 and 24 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The substitute sheets of drawings were received on October 24, 2003 (Paper No. 7). These drawings are disapproved for the reasons stated on the attached "Notice of Draftsperson's Patent Drawing Review", form PTO-948.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed terminology. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The claim terminology which lacks such antecedent basis is as follows: (A) "a first substrate", as called for by claims 29 and 30. Correction is required.
3. The disclosure is objected to because of the following informality: on page 6, lines 6 and 7 are duplicate descriptions of Fig. 59. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2, 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "to protect the wearer's hand from contact with liquids absorbed by the back panel 26, it may be desirable for some applications to include an optional

Art Unit: 3751

additional fluid impervious barrier layer 27, the interior of which defines the back inner surface 34 that faces the wearer's hand during use" (note lines 1-4 on page 28), does not reasonably provide enablement for "a first substantially fluid-impervious barrier layer is located between said reservoir and said second internal surface of said second side", as now called for by claim 2. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

6. Claims 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 13 now calls for "a second substantially fluid-impervious barrier layer disposed between said first barrier layer and said second internal surface". However, the originally filed disclosure merely supports "in order to protect the hand of the user from contact with the product during the dispensing and/or dispersing operation, the applicators of the present invention can include a barrier layer 25, the interior of which defines the front inner surface 32 that faces the wearer's hand during use. The barrier layer 25 is preferably impervious to the product" (note lines 30-33 on page 22). Hence, claim 13 is directed to new matter.

7. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 3751

Claim 7 now calls for the reservoir to have “a first burst force when said reservoir is folded and a second burst force when said reservoir is unfolded”. However, the originally filed disclosure merely supports “the pouch is able to rupture at a relatively low force . . . by folding the pouch on the frangible seal or between the frangible seal and the reservoir such that there is a mechanical advantage that occurs preventing the pouch from bursting and generally protects the pouch from undesired rupture and premature fluid dispensing . . . this technique has been shown to effectively raise the bursting force . . . by folding the applicator into a compact unit” (note lines 1-12 on page 24). Hence, claim 7 is directed to new matter.

8. Claims 9 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 9 now calls for the distribution channel to have “a distal end” and that the reservoir is “adapted to release said product from said predetermined weak region to said first side through said distal end of said distribution channel”. However, the originally filed disclosure merely supports “a reservoir design including a distribution channel 44” (note lines 13-14 on page 14) and that “elongated channel 44 which separates the chamber 47 from the distal end 43 of the assembly” (note lines 15-16). Hence, claim 9 is directed to new matter.

9. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 3751

Claim 10 now calls for the reservoir to “further comprises a distribution head in fluid communication with said distal end of said distribution channel”. However, the originally filed disclosure merely supports “the bursting pouch may also have an integral distribution head (such as illustrated as channel 44 of Figure 7) that allows the product to be dispensed and dosed to different portions of the applicator” (note lines 18-21 on page 12). Hence, claim 10 is directed to new matter.

10. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 now calls for the product to be selected from “window cleaning compounds, bathroom cleaning compounds, kitchen cleaning compounds, furniture dusting and polishing compounds, body cleaning compounds, teeth cleaning compounds, car vinyl protectant compounds, herbicide compounds, skin lotion compounds, and baby clean-up compounds”. However, the originally filed disclosure merely describes that the product in the reservoir “may be a liquid, a gel, a lotion, a cream, a powder or even a solid” (note lines 11-12 on page 9); “may include product(s) of the same, similar, or diverse compositions” (note lines 29-32 on page 11); “a chamber could have a bleach formula . . . and the other chamber could contain surfactants and cleaning solutions suitable for removing dirt and soap scum” (note lines 7-10 on page 12); “a disposable finger toothbrush that dispenses baking soda and peroxide” (note lines 13-14 on page 12); “the compositions of the present invention can contain several adjuvants such as perfume and dye” (note lines 27-28 on page 34); “a liquid cleaning product” (note lines 29-33 on page 46); “the

Art Unit: 3751

glass cleaning composition” (note line 18 on page 48); “product applications include . . . face and body cleansers, toners, lotions, moisturizers, ointments, cosmetics/make-ups, medicaments, and related topically applied treatments” (note lines 20-25 on page 49); “a protectant product” (note lines 1-6 on page 55); “cleaning solution to clean the baby” (note lines 21-22 on page 56); “Pledge furniture polish” (note lines 3-6 on page 58); “facial lotions and creams, cosmetics, liquid foundation, toothpaste or other dentifrices, sunscreen” (note lines 25-27 on page 58); “a no-rinse body cleansing solution” (note lines 32-33 on page 59); “a herbicide” (note line 1 on page 62); and “a dosing pouch containing . . . liquid Comet Bathroom cleaner” (note lines 17-18 on page 63). Hence claim 21 contains new matter.

11. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 24 now calls for “placing said first fluid-containing flexible film dosing reservoir in a predetermined location between said first and second webs”. However, the originally filed disclosure merely supports “Once the first and second webs are secured to form a composite web, at least one reservoir 114 (corresponding to the reservoir 30 of Figure 2) is placed in an appropriate location in relation to the web dimensions so as to be located within the dimensions of the finished applicator” (note lines 15-18 on page 45). Hence, claim 24 is directed to new matter.

12. Claims 29 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described

Art Unit: 3751

in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 29 and 30 call for the product to be released “sequentially” and “via multiple applications of pressure to said reservoir”. However, the specification fails to describe or support such release of the product from the reservoir.

Claim Rejections - 35 USC § 102

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 1, 3-7, 9-12, 15, 16, 18-21, 23 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Spees ('292). Spees discloses an applicator having all the claimed features including a first side (constituted by backing 18) having a first internal surface and a first external surface (note Fig. 2), a second side (constituted by strips 21 and 21') having a second internal surface and a second external surface, and at least one flexible film reservoir 22B (note Fig. 8) containing a product (note lines 50-54 in col. 2) and having a predetermined weak region (constituted by the slits 40) disposed between the first external surface of the first side 18 and the second internal surface of the second side 21, 21', the product being adapted to be released from the reservoir through the first side 18 via application of pressure to the reservoir (note lines 54-58 in col. 2). With respect to claims 3 and 27, the pad applicator of Spees inherently constitutes a wipe. With respect to claim 4, Spees also discloses that the reservoir is rupturable (note lines 54-58 in col. 2). With regard to claim 5, Spees further discloses that the reservoir is rendered rupturable by a frangible seal (note from line 67 in col. 2 to line 14 in col. 3). With respect to

Art Unit: 3751

claim 12, Spees additionally discloses that the frangible seal has at least one stress concentrator (constituted by slits 40). With regard to claim 6, Spees also discloses that the reservoir is folded proximate to the frangible seal (note Figs. 12 and 13). With respect to claim 7, Spees also discloses that the reservoir has a first burst force when folded and second burst force when unfolded with the first burst force being greater than the second burst force (note lines 41-56 in col. 3). With regard to claim 9, Spees further discloses that the reservoir has a distribution channel (constituted by central opening 32) with the reservoir being adapted to release the product to the distribution channel. With respect to claim 10, Spees additionally discloses that the reservoir has a distribution head (constituted by the margin portion 28, note Fig. 5) through which the product is adapted to be released remote from the reservoir. With regard to claim 11, Spees further discloses that the reservoir has a plurality of compartments (note Figs. 2 and 5) each containing a product, the plurality of compartments being adapted to provide at least one function wherein the function is one of mixing or multiple dispensing (note Figs. 5 and 6, and lines 48-51 in col. 1). With respect to claim 15, Spees additionally discloses that the reservoir is made of a material capable of varying seal strengths (note lines 51-56 in col. 3). With regard to claim 16, Spees also discloses that the first side 18 is a substantially non-absorbent structure (note lines 29-31 in col. 2). With regard to claim 18, Spees further discloses a friction enhancing element (constituted by coating 19) located at least on the first side 18 (note lines 29-33 in col. 2). With respect to claim 19, Spees additionally discloses that at least the first side 18 is textured (note lines 33-35 in col. 2). With regard to claim 20, Spees also discloses that the reservoir is located to avoid inadvertent dispensing (note lines 49-57 in col. 2). With respect to claim 21, Spees further discloses that the product is a skin lotion substance (note lines 50-54 in col. 2).

Art Unit: 3751

With regard to claim 23, Spees also discloses that the second side has one or more removable layers 21 and 21'. With respect to claim 25, Spees further discloses that the reservoir is formed of a laminate film (note lines 58-64 in col. 2) and that the applicator includes a flow restriction layer (constituted by pad 20) disposed between the reservoir and the first external surface (note Fig. 2). With regard to claim 26, Spees additionally discloses that the reservoir is formed of a flexible film (note lines 53-54 and 58-64 in col. 2).

15. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Cohen et al. Cohen et al. disclose an applicator having all the claimed features including a first side (constituted by label 14), a second side (constituted by applicator pad 11), a first fluid-containing flexible film dosing reservoir (constituted by packet 13), and a dispensing aperture (constituted by nozzle 16) associated with the flexible film reservoir 13 and through which the fluid is selectively distributed to the second side 11, and a method for forming an applicator having all the claimed features including providing a first web 500A corresponding to one of the sides, providing a second web 500B corresponding to the other side, placing the reservoir 13 in a predetermined location between the first and second webs at step 603, securing the reservoir relative to the webs at step 604, and cutting at step 501 the applicator in a desired outline shape from the balance of the respective webs to define a finished applicator.

Claim Rejections - 35 USC § 103

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3751

17. Claims 1-5, 11-14, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Ketner. Schneider discloses an applicator having the claimed features including a first side 21 having a first internal surface and a first external surface (note Fig. 3), a second side 22 having a second internal surface and a second external surface, and at least one flexible film reservoir (constituted by the outer gelatinous shell 14) containing a product (note lines 23-26 in col. 3) disposed between the first internal surface of the first side 21 and the second internal surface of the second side 22, the product being adapted to be released from the reservoir through the first side 21 via application of pressure to the reservoir (note lines 51-58 in col. 4). Schneider also discloses that the gelatinous enclosure can be any frangible or rupturable skin covering (note lines 57-59 in col. 3). Although Schneider fails to disclose that the reservoir has a predetermined weak region, attention is directed to Ketner who discloses another applicator having a flexible film reservoir constituted by container C1 having frangible walls 28 provided with predetermined weak regions constituted by scored lines 34 (note lines 50-58 in col. 2) in order to permit the reservoir to break along the predetermined weak regions. It would have been obvious to one of ordinary skill in the applicator art, at the time the invention was made, to form the reservoir of Schneider with weak regions in view of the teachings of Ketner in order to predetermine where the reservoir will break. With respect to claim 2, Schneider also discloses a substantially fluid-impervious barrier layer 15 is located between the reservoir and the internal surface of the second side 22. With respect to claim 13, Schneider further discloses a second substantially fluid-impervious barrier layer 16 (note Fig. 3) between the first barrier layer 15 and the second internal surface. With regard to claims 14 and 11, Ketner further teaches the obviousness of using more than one reservoir (note lines 51-54 and 58-61 in col. 1 and lines 66-

Art Unit: 3751

68 in col. 3) to provide for mixing different fluids (note lines 38-42 in col. 1) to effect cleaning or polishing (note lines 67-69 in col. 2). With regard to claim 3, Schneider further discloses a mitt (note Figs. 1-3). With regard to claim 4, additionally discloses that the reservoir is rupturable (note lines 51-58 in col. 4). With respect to claim 5, Ketner further teaches the obviousness of rendering the reservoir rupturable by a frangible seal (note lines 50-53 in col. 2). With regard to claim 12, Ketner further teaches the obviousness of forming the frangible seal with at least one stress concentrator constituted by the scored lines 34. With regard to claim 21, Schneider also discloses that the product may include window or glass cleaners, furniture polish, and skin lotions (note lines 31-39 in col. 4). With respect to claim 23, Schneider further discloses that the first side 21 has a removable layer 13.

18. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Ketner as applied to claims 1-5, 11-14, 21 and 23 above, and further in view of Sansonetti. Schneider further discloses that the mitt applicator may be used to apply hand lotion (note lines 36-38 in col. 4). Although Schneider fails to disclose that the mitt applicator has a temperature changing element, attention is directed to Sansonetti who discloses another hand lotion mitt applicator provided with a temperature changing element (constituted by heating element 34) in order to facilitate absorption of the hand cream or lotion (note lines 39-42 in col. 1). It would have been obvious to one of ordinary skill in the applicator art, at the time the invention was made, to form the mitt applicator of Schneider with a temperature changing element in view of the teachings of Sansonetti in order to facilitate the absorption of the hand cream or lotion.

Art Unit: 3751

19. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber et al. in view of Spees. Gerber et al. disclose an applicator having the claimed features including a first side or substrate 2 having a first internal surface and a first external surface, a second side having a second internal surface and a second external surface (note Fig. 2), a rupturable film reservoir (constituted by the outer gelatinous capsule 1, note lines 24-27 in the second column on page 1) containing a product (note lines 29-32 in the second column on page 1) disposed between the first internal surface of the first side 2 and the second internal surface of the second side, the product being releasable from the reservoir through the first side 2 via application of pressure to the reservoir 1 (note from line 45 in the first column on page 2 to line 2 in the second column on page 2, and lines 15-18 in the second column on page 2), and a flow restriction layer (constituted by layer 4, note Fig. 3 and lines 9-15 in the first column on page 2) disposed between the reservoir 1 and the first substrate (constituted by the bottom portion of layer 3). Although Gerber et al. fail to describe that the reservoir is formed of a laminate film, attention is directed to Spees who discloses another applicator having a flexible film reservoir wherein the reservoir is formed of a laminate structure (note lines 58-64 in col. 2) in order to contain the product over a long period of time while maintaining it in a fresh, vital and effective condition (note lines 43-51 in col. 1). It would have been obvious to one of ordinary skill in the applicator art, at the time the invention was made, to form the applicator of Gerber et al. with a laminated film reservoir containing the product in view of the teachings of Spees in order to contain the product over a long period of time while maintaining it in a fresh, vital and effective condition. With regard to claim 26, Spees further teaches the obviousness of forming the reservoir of Gerber et al. of a flexible film (note lines 53-54 and 58-64 in col. 2). With respect to claim 27,

Art Unit: 3751

the pad applicator of Gerber et al. inherently constitutes a wipe. With respect to claim 28, Gerber et al. also disclose using a substantially impervious barrier layer 4 disposed between the reservoir 1 and the internal surface of the second side (note Fig. 3). With respect to claims 29 and 30, Spees further teaches the obviousness of forming the reservoir of at least one frangible seal or at least one weak region having a comparatively low burst force (constituted by slits 29, 40, note lines 29-34 in col. 3). With regard to claims 29 and 30, Gerber et al. further disclose that the product is adapted to be released sequentially to the first substrate via multiple applications of pressure to the reservoir 1 (note lines 13-20 in the first column on page 1, from line 41 in the first column on page 2 to line 6 in the second column on page 2, and lines 13-20 in the second column on page 2).

20. Claims 1-4, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber et al. in view of Ketner. Gerber et al. disclose an applicator having the claimed features including a first side or substrate 2 having a first internal surface and a first external surface, a second side having a second internal surface and a second external surface (note Fig. 2), and at least one flexible film dosing reservoir (constituted by the outer gelatinous capsule 1, note lines 24-27 in the second column on page 1) containing a product (note lines 29-32 in the second column on page 1) disposed between the first internal surface of the first side 2 and the second internal surface of the second side, the product being adapted to be released from the reservoir through the first side 2 via application of pressure to the reservoir 1 (note from line 45 in the first column on page 2 to line 2 in the second column on page 2, and lines 15-18 in the second column on page 2). Although Gerber et al. fail to disclose that the reservoir has a predetermined weak region, attention is directed to Ketner who discloses another applicator having a flexible

Art Unit: 3751

film reservoir constituted by container C1 having frangible walls 28 provided with predetermined weak regions constituted by scored lines 34 (note lines 50-58 in col. 2) in order to permit the reservoir to break along the predetermined weak regions. It would have been obvious to one of ordinary skill in the applicator art, at the time the invention was made, to form the reservoir of Gerber et al. with weak regions in view of the teachings of Ketner in order to predetermine where the reservoir will break. With respect to claims 2 and 28, Gerber et al. also disclose using a substantially impervious barrier layer 4 located between the reservoir 1 and the internal surface of the second side (note Fig. 3). With respect to claim 17, Gerber et al. also disclose that the second side is made of a substantially absorbent material (note lines 1-3 in the first column on page 2). With respect to claims 29 and 30, Gerber et al. further disclose that the product is adapted to be released sequentially to the first substrate via multiple applications of pressure to the reservoir 1 (note lines 13-20 in the first column on page 1, from line 41 in the first column on page 2 to line 6 in the second column on page 2, and lines 13-20 in the second column on page 2). With regard to claims 25 and 30, Gerber et al. additionally disclose a flow restriction layer (constituted by layer 4, note Fig. 3 and lines 9-15 in the first column on page 2) disposed between the reservoir 1 and the first substrate (constituted by the bottom portion of layer 3).

Response to Arguments

21. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3751

22. Applicants argue that the Spees reference fails to show that the pouch or capsule 22 is disposed between two internal surfaces of two sides. This argument has been carefully considered. However, it is pointed out, as noted in the above rejection of the claims, that Spees does indeed disclose that the reservoir, pouch or capsule 22 is disposed between two internal surfaces of two sides, i.e., one side constituted by backing 18 and a second side constituted by strips 21, 21', as clearly shown in Fig. 2 of the drawings.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication from the examiner should be directed to Examiner Kathleen J. Prunner whose telephone number is 703-306-9044. The examiner can usually be reached Monday through Friday from 5:30 AM to 2:00 PM.

Art Unit: 3751

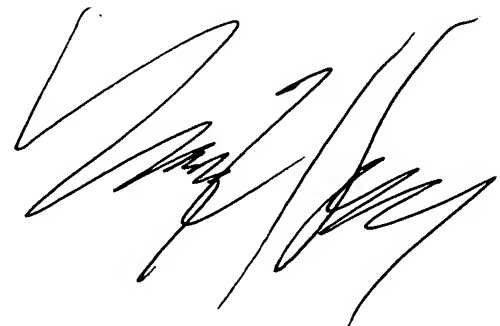
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kathleen J. Prunner:kjp

February 17, 2004



GREGORY L. HUSON
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 3700

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 10/24/03 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) _____
☐ Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ 1 full-tone set is required. Fig(s) _____
☐ Photographs may not be mounted. 37 CFR 1.84(e)
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
☐ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(c)

☐ Paper not flexible, strong, white, and durable. Fig(s) _____
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or
 21.6cm by 27.9cm (8 1/2x 11 inches)
☐ All drawing sheets not the same size. Sheet(s) _____

☐ Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

☐ Margins not acceptable. Fig(s) _____

☐ Top (T) ☐ Left (L)
☐ Right (R) ☐ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly. Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)
☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) _____

11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) _____
☐ Solid black shading not permitted. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible. Fig(s) _____
☐ Figure legends are poor. Fig(s) _____
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____

☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____

☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) _____

☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

Hatching missing from
 Figs 2, and 11

Reviewer CBP

If you have questions, call (703) 305-8404.

Date 2/17/04Attachment to Paper No. 8